

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOMINICK DESANTIS,
Individually and as Trustee of the NORMA B.
NADDEO REVOCABLE TRUST AGREEMENT
and STUART BERNSTEIN

Plaintiffs,

v.

ALAN BERNSTEIN and NOVAD, As Nominee
Agent For SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,

Defendant.

Civil Action No.
CV-22-1427

(_____, J.)
(_____, M.J.)

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:

PLEASE TAKE NOTICE that the above-captioned action, pending in the Supreme Court of the State of New York, County of Kings, has been removed to the United States District Court for the Eastern District of New York.

BREON PEACE, United States Attorney for the Eastern District of New York, Edward K. Newman, Assistant United States Attorney, of counsel, respectfully states the following facts upon information and belief:

1. The above-captioned action was commenced in the Supreme Court of the State of New York, County of Queens, Index No. 520148/2021 and names as a defendant “NOVAD as Nominee Agent for Secretary of Housing and Urban Development” presumably meaning the Secretary of the United States Department of Housing and Urban Development, an agency of the United States of America.

2. As alleged by Plaintiffs, this is an action to clear title as to property in which the United States of America holds an interest.

3. Service has not been made as to the United States of America.

4. The United States Attorney for the Eastern District of New York did not receive notice of this action until February 15, 2022.

5. In accordance with 28 U.S.C. § 1446(a), a copy of the Summons to Appear is annexed hereto as Exhibit A.

6. Pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2409a(a-f), this action may be removed to this Court.

7. Under 28 U.S.C. § 2408 the United States may remove this action without a bond.

WHEREFORE, it is respectfully requested that the above-captioned action that is now pending in the Supreme Court of the State of New York, County of Kings, be removed to this Court; and

In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of the Court, Supreme Court of the State of New York, County of Kings, shall affect the removal

and the state court shall proceed no further unless and until the case is remanded.

Dated: Brooklyn, New York
March 11, 2022

Respectfully Submitted,

BREON PEACE
United States Attorney
Eastern District of New York
Attorney for Defendant
271 Cadman Plaza East
Brooklyn, New York 11201

By: /s/ Edward K. Newman
Edward K. Newman
Assistant United States Attorney
(718) 254-6069
edward.newman@usdoj.gov

To: Clerk of Court
Supreme Court of the State of New York
County of Kings
360 Adams Street
Brooklyn, NY 11201

Edward Delli Paoli, Esq,
3295 Amboy Road, Suite 10
Staten Island, New York 10306
Counsel for Plaintiffs